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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of: **BILL L. DAVIS and JESSE S. WILLIAMSON**	§	
For Reissue of U. S. Patent 5,630,363 Issued May 20, 1997 Serial No. 08/515,097	§	Group Art Unit: 2854
Filing Date: May 20, 1999	§	Examiner: S. Funk J. Hilten
Serial No.: 09/315,796	§	
For: **COMBINED LITHOGRAPHIC/ FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS**	§	

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THIRD SUPPLEMENTAL JOINT REISSUE DECLARATION

TO: The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

SIR:

Petitioners, (1) Bill L. Davis, residing at 1126 Tipton Road, Irving, Texas 75060; and (2) Jesse S. Williamson, residing at 5738 Caruth, Dallas, Texas 75209, and being both United States citizens, declare that:

1. We verily believe ourselves to be the original, first and joint inventors of the invention described and claimed, and of the discovery described, in U.S. Patent 5,630,363 and in the specification thereof, and for which invention and discovery we solicit a reissue patent. We affirm the statements made in our original Reissue Declaration filed May 20, 1999, for which we have further amended the specification and claims.

2. Petitioners verily believe that, because of what might be deemed errors in the specification and claims of U.S. Patent 5,630,363, that said '363 patent might be inoperative or invalid (a) by reason of Petitioners claiming in some instances more, and in some instances less, than they had a right to claim in the '363 patent, or (b) for the reason that the '363 claims might be interpreted as failing to particularly point out and distinctly claim the subject matter which

the undersigned Petitioners regard as their invention. There also exists certain errors in the specification including, but not limited to, minor stenographical errors. Petitioners declare that all of these errors sought to be corrected arose through their unfamiliarity with U. S. patent practice, and/or through inadvertence, and were all without any deceptive intention. Specifically Petitioners declare that all errors being corrected in this reissue application up to the filing of this oath and their original oath, and the amendment submitted herewith on March 9, 2000, respectively, all arose without any deceptive intent. Petitioners seek to correct these errors through amendments to their specification and claims, and endorse the amendments set forth in Exhibit "A" hereto.

3. Petitioners are informed that under 37 C.F.R. § 1.56(a) that a duty of candor and good faith toward the United States Patent and Trademark Office ("Office") rests on the inventors, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation of prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. Reissue petitioners are now further aware that all such individuals have a duty to disclose to the Office information that each is aware of which is material to the examination of the application and that such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. Reissue petitioners further understand that the duty is commensurate with a degree of involvement in the preparation or prosecution of the application. Reissue petitioners are now informed that the duty of disclosure may extend to their own activities prior to the filing date of the application leading to the '363 patent.

4. Petitioners further declare that their '363 patent specification teaches a combined lithographic/flexographic process having a plurality of successive printing stations for depositing a series of thin, controlled layers of ink or coatings, including, but not limited to, printing color images, on one or both sides of a substrate in a continuous in-line process. In one embodiment of the method of their invention, one of the stations prints a first color image using the flexographic process, and at least one of the successive printing stations prints a second color image "over" the first color image using an offset lithographic process in a "continuous in-line process." Consistent with the teachings in their specification at col. 2, lines 49-58, reissue

applicants teach specifically that in offset lithography, "many sheet fed presses can perfect (print both sides of the paper) in one pass through the press."

5. Petitioners have noticed several potential errors are found in the '363 patent. First, Petitioners declare that in one embodiment of their invention, the reverse side of the substrate may be printed subsequently by lithography and, as desired, subsequently coated. Petitioners believed as of both the filing of their application and the issuance of the '363 patent that the independent and dependent claims clearly covered such an embodiment. Petitioners believed that to one of ordinary skill in the printing art, the language of printing "over" the substrate (see col. 4, lines 29 and 43), as well as other uses in the specification of the term "over" (e.g., col. 4, line 38 and col. 6, line 3), the reference at col. 2, lines 49-58 that in offset lithography "many sheet fed presses can perfect (print both sides of the paper) in one pass through the press", and the many references throughout the specification to a "continuous in-line printing process" and the like, severally and collectively clearly taught one of ordinary skill in the printing art that the <u>reverse</u> side of the substrate may also be printed and, as desired, coated in the continuous in-line lithographic/flexographic process described in the '363 patent. Petitioners did not appreciate, both as of the time of the filing of this application and at the time the '363 claims as issued were presented and allowed, that their method and apparatus having the term "over" might be interpreted (actually misinterpreted) so as not to include the alternative of the reverse side of the substrate being printed by offset lithography and, as desired, coated. If such misinterpretation is made, then reissue applicants have inadvertently, and without deceptive intent, claimed less than they had a right to claim. Such error, if it occurred, was inadvertent and without deceptive intent. Petitioners did not contemplate that absent dependent claims, such as claims 42-43 newly presented, or claims such as the new claims in the alternative tracking specifically the language of col. 2, lines 54-55 with the limitation of printing on the reverse side of the substrate, such a misunderstanding could occur. Accordingly, Petitioners now seek by way of this application for reissue to add claims 42-86, 94-96 and 100-102 to eliminate any ambiguity in the coverage of those claims so that the claims clearly provide that the continuous in-line lithographic/flexographic process of the '363 patent can include perfection, e.g., on a perfector press. Second, Petitioners have found that a specific method(s) and corresponding specific apparatus(i) embodiment, narrower to their claims pending prior to their amendment filed on or about January 26, 2001, and requiring the combination of an anilox roller

and a high velocity air dryer (e.g., col. 7, lines 5, 29 and 45), was not claimed. Such omission was inadvertent, and occurred without deceptive intent. The combination of employing an anilox roller at a flexographic station and a treatment of a high velocity air dryer at the impression cylinder is specifically taught as a preferred embodiment at col. 7, lines 37-48. Petitioners, accordingly added, in said January 26, 2001 amendment, method and parallel apparatus claims 91-102, some requiring perfection, some not requiring perfection, to cover those narrower method(s) and apparatus(i). Third, Petitioners only in late January added dependent apparatus claims 88-89, believed to be approximately of the same scope as claims 97-99. The deposition testimony of reissue applicants and third party witnesses, including Bird, showed reissue applicants had possession of the inventive concept of performing their method using an auxiliary retractable device coater unit with an anilox roller mounted therein at the time Baker was informed of same on June 12, 1994, and separately and preferably, drying the flexographically printed or coated sheets at the impression cylinder of said flexographic station with a high velocity air dryer. Such omission in the original prosecution to add dependent claims 87-88 to claim 15 was inadvertent, and without deceptive intent. Fourth, reissue applicants desire to eliminate any ambiguity in the scope of coverage of claims directed to their preferred embodiment calling for the use of a dryer used in conjunction with their flexographic step that said dryer need not necessarily be an air dryer, which is a (most) preferred embodiment. Here Claims 103-151 are newly presented in a companion amendment. Fifth, by use of the term "continuous in-line printing process" in their original patent claims, reissue applicants did not intend to exclude any process or apparatus therefor not capable of perfecting, but only capable of printing on one side of the substrate. Claims 103-108, 124, 126, 138-140 are newly presented to eliminate this ambiguity, if it exists. Such errors occurred inadvertently, and without deceptive intent.

6. Sixth, Petitioners further notice the errors in independent method claim 29, containing the term "on top of" in the last step (col. 11, line 54) and in related dependent claim 34, containing the broader term "over" (col,. 12, line 6). Hence the dependent claim is broader than the claim it depends on. Such errors render claim 29 partially inoperable, and claim 34 potentially invalid. Such errors were inadvertent, and occurred without deceptive intent, for which reissue applications seek correction.

7. Seventh, Petitioners are concerned that certain of their claims, e.g., claim 1, may be misunderstood as limiting the interpretation of the term "image" to ink, and worse yet, a color ink. Consistent with the specification, e.g., col. 1, lines 18-25; col. 4, lines 12-13; col. 6, lines 46-47, newly presented claims 44-84 require that surfaces at each station be deposited with layers of ink or coating materials so that any ambiguity is avoided.

8. Eighth, stenographic errors occurred in the original patent in the spelling of "Pantone" under "Other Publications" listed as prior art, and of the spelling of "flexographic" at col. 1, line 20. The short-hand abbreviation of "flexographic" as "flexo" at column 3, line 59 should be corrected. Clarification is made of col. 4, lines 46-51 of the specification consistent with the remainder of the specification. All errors occurred inadvertently and without deceptive intent.

9. With respect to each of patent claims 1-41, as further amended, and new claims 42-151, we declare that we believe we are the original first and joint inventors of the subject matter therein claimed and for which a reissue patent is sought on the invention set forth in the attached specification entitled COMBINED LITHOGRAPHIC/FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS, a copy of which amended specification is attached hereto as Exhibit "A"; we hereto state that we have reviewed and understand the contents of this amended specification, including the amended and new claims. As indicated above, we acknowledge our duty to disclose any and all information which is material to examination of this reissue patent application in accordance with 37 C.F.R. §1.56(a). We further declare that we do not know and do not believe that said invention was ever known or ever used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or patented or described in any printed publication more than one year before the filing date of the first application leading to the '363 patent; or in public use or on sale in the United States of America more than one year prior to the date of the first application leading to the '363 patent; further, that said invention has not been patented or made the subject to any inventor's certificate issued before the filing date of the first application leading to the '363 patent in any country foreign to the United States of America on any application filed by me or our legal representative or assigns more than twelve (12) months prior to the filing date of said first patent application in the United States of America, and has not been abandoned.

The undersigned Petitioners declare further that all statements made herein of Petitioners' own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any reissue patent issuing thereon.

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